



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
[WWW.USPTO.GOV](http://WWW.USPTO.GOV)

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#18

In Re Application of	:	
Garvey et al	:	
Serial No.: 09/478,222	:	Petition Decision
Filed: January 5, 2000	:	
Attorney's Docket No.: 102258.346	:	

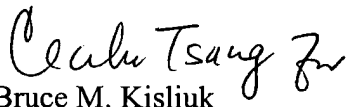
This is in respond to "Petition Under 37 CFR 1.182 to Withdraw Terminal Disclaimer" filed April 16, 2002.

On June 29, 2001, an Office action was mailed; an obviousness-type double patenting rejection over claims 8-11 of co-pending Application No. 09/354,424 was made. On September 26, 2001, a terminal Disclaimer was filed. On March 21, 2002, applicants cancelled claims 8-11 from co-pending Application No. 09/354,424. On April 16, 2002, the present petition was filed. Applicants assert that since claims 8-11 of co-pending Application No. 09/354,424 have been cancelled from the application without prejudice, there is now no basis for the Office to assert an obviousness-type double patenting rejection of the instant claims over the claims in co-pending Application No. 09/354,424. Applicants request the Terminal Disclaimer filed on September 26, 2001 to be nullified and withdrawn.

Prosecution history of present application and that of Application No. 09/354,424, and applicant's statement have been carefully reviewed. Since there is no basis for the Office to asset an obviousness-type double patenting rejection of the instant claims over the claims in co-pending Application No. 09/354,424, the Terminal Disclaimer is nullified and withdrawn herewith.

Petition is Granted.

Should there be any questions with respect to this decision, please contact Cecilia Tsang, by mail address to: Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 308-3890.

A handwritten signature in cursive script, appearing to read "Cecilia Tsang for".

Bruce M. Kisliuk  
Director, Technology Center 1600